

**EIGHTY-EIGHTH LEGISLATIVE DAY
THURSDAY, APRIL 3, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Pastor Don Hardenbrook.

The Pledge of Allegiance was led by Courtney Sorensen, Page.

Approval of Journal

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Tom Trail, State Representative, District 6, House Seat A, Latah County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Gary Young, of Moscow, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Gary Young, Acting State Representative, District 6, House Seat A, State of Idaho, for a term commencing on April 3, 2003, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 31st day of March in the year of our Lord two thousand and three, and of the Independence of the United States of America, the two hundred and twenty-seventh year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Young.

OFFICE OF THE GOVERNOR
Boise

April 2, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 195, as amended in the Senate, as amended in the Senate, **H 4**, **H 15**, **H 123**, **H 140**, **H 232**, as amended, **H 295**, **H 312**, **H 314**, **H 347**, and **H 350**

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

April 2, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1136**, as amended, and **S 1167** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1136**, as amended, and **S 1167** and, when so signed, ordered them returned to the Senate.

April 2, 2003

Mr. Speaker:

I return herewith enrolled **H 302**, **H 269**, as amended, and **H 273** which have been signed by the President.

WOOD, Secretary

Enrolled **H 302**, **H 269**, as amended, and **H 273** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 2, 2003

Mr. Speaker:

I transmit herewith **S 1175** which has passed the Senate.

WOOD, Secretary

S 1175 was filed for first reading.

April 2, 2003

Mr. Speaker:

I return herewith **H 167**, as amended, **H 333**, **H 17**, as amended, **H 198**, as amended, **H 377**, **H 384**, **H 83**, **H 363**, and **H 382** which have passed the Senate.

WOOD, Secretary

H 167, as amended, **H 333**, **H 17**, as amended, **H 198**, as amended, **H 377**, **H 384**, **H 83**, **H 363**, and **H 382** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 2, 2003

Mr. Speaker:

I return herewith **H 144**, as amended, which has failed the Senate.

WOOD, Secretary

H 144, as amended, was filed in the Office of the Chief Clerk.

Report of Standing Committees

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 399**, **H 400**, **H 401**, and **H 403**.

FIELD(18), Chairman

H 401 and **H 403** were referred to the Revenue and Taxation Committee.

H 399 and **H 400** were filed for second reading.

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 370**, **H 371**, **H 322**, **H 228**, **H 306**, **H 270**, **H 319**, **H 326**, **H 160**, as amended, and **H 199**, as amended, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 370**, **H 371**, **H 322**, **H 228**, **H 306**, **H 270**, **H 319**, **H 326**, **H 160**, as amended, and **H 199**, as amended, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 174**, as amended, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, to the Governor at 11:30 a.m., as of this date, April 1, 2003.

FIELD(18), Chairman

April 2, 2003

Mr. Speaker:

We, your COMMITTEE ON WAYS AND MEANS, report that we have had under consideration **SCR 116** and recommend that it do pass.

MEYER, Chairman

SCR 116 was filed for second reading.

April 2, 2003

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENTAL AFFAIRS, report that we have had under consideration **H 394** and recommend that it do pass.

BARRACLOUGH, Chairman

H 394 was filed for second reading.

April 2, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 395** and recommend that it do pass.

WOOD, Chairman

H 395 was filed for second reading.

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1170** and recommend that it do pass.

TILMAN, Chairman

S 1170 was filed for second reading.

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **HCR 30**, **H 396**, and **H 397** and recommend that they do pass.

DEAL, Chairman

HCR 30, **H 396**, and **H 397** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

S 1175, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

S 1133, as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

S 1073, as amended in the House, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 218, as amended in the Senate, and **H 169**, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 65, as amended in the Senate, by Mr. Speaker, requested by Department of Parks and Recreation, was read the second time by title and filed for third reading.

H 301, as amended in the Senate, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 392 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 392** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Mr. Speaker. Total -- 64.

NAYS -- Bauer, Bieter, Kulczyk, McKague, Schaefer, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 392** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **S 1171** be held on the bottom of the Third Reading Calendar until Monday, April 7, 2003. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 404 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TOBACCO TAXATION AND TOBACCO RELATED HEALTH PROGRAMS; AMENDING SECTION 63-2506, IDAHO CODE, TO INCREASE THE TAX ON CIGARETTES FROM AND AFTER A DESIGNATED DATE AND TO REVISE THE DISTRIBUTION OF MONEYS

RAISED FROM THE TAX; AMENDING SECTION 63-2509, IDAHO CODE, TO REVISE THE COMPENSATION FOR AFFIXING STAMPS FROM AND AFTER A DESIGNATED DATE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE DISTRIBUTION OF THE TAX ON TOBACCO; REPEALING SECTIONS 63-2506, 63-2509 AND 63-2520, IDAHO CODE; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-2506, 63-2509 AND 63-2520, IDAHO CODE, TO PROVIDE FOR THE IMPOSITION OF A TAX ON THE PURCHASE, STORAGE, USE, CONSUMPTION, HANDLING, DISTRIBUTION OR WHOLESALE SALE OF CIGARETTES, TO PROVIDE COMPENSATION FOR AFFIXING STAMPS AND TO PROVIDE FOR DISTRIBUTION OF MONEYS; AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 405 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TAXATION OF SOFT DRINKS; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 63, IDAHO CODE, TO DEFINE TERMS, TO LEVY AND IMPOSE AN EXCISE TAX ON BOTTLED SOFT DRINKS, SYRUPS AND DRY MIXTURES, TO PROVIDE FOR THE AFFIXING OF TAX STAMPS OR TAX CROWNS, TO PROVIDE FOR CANCELLATION AND REMOVAL OF STAMPS, TO PROVIDE FOR DISPOSITION OF UNUSED TAX CROWNS AND FOR PENALTIES, TO PROVIDE FOR PURCHASE OF TAX STAMPS OR TAX CROWNS, TO PROVIDE FOR DUE DATE OF REPORTS, TO PROVIDE FOR DELINQUENT TAXPAYERS AND ADMINISTRATION AND ENFORCEMENT, TO PROVIDE FOR SEIZURE AND SALE OF SOFT DRINK SYRUPS BY THE STATE TAX COMMISSION, TO PROVIDE PENALTIES FOR ALTERING, COUNTERFEITING OR REUSING TAX STAMPS OR TAX CROWNS AND TO PROVIDE FOR DISTRIBUTION OF MONEYS.

HOUSE BILL NO. 406 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO A COUNTY SALES TAX; REPEALING CHAPTER 26, TITLE 63, IDAHO CODE; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 63, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE AUTHORITY FOR A COUNTY SALES OR USE TAX, TO CREATE THE COUNTY PROPERTY TAX RELIEF FUND, TO PROVIDE GENERAL PROVISIONS FOR AN ORDINANCE ASSESSING THE TAX, TO PROVIDE FOR COLLECTION AND ADMINISTRATION OF LOCAL OPTION SALES OR USE TAXES BY THE STATE TAX COMMISSION AND TO PROVIDE FOR DISTRIBUTION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING A SUNSET CLAUSE.

HOUSE BILL NO. 407

BY REVENUE AND TAXATION COMMITTEE**AN ACT**

RELATING TO PETITIONS FOR DISSOLUTION OF HOSPITAL DISTRICTS; AMENDING SECTION 39-1325a, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE ADDITIONAL REQUIREMENTS IN PROCEDURES FOR PETITIONS FOR DISSOLUTION OF HOSPITAL DISTRICTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 39-1325B, 39-1325C, 39-1325D AND 39-1325E, IDAHO CODE, TO PROVIDE PROCEDURES FOR DISSOLVING A HOSPITAL DISTRICT WHICH FAILS OR HAS CEASED TO FUNCTION FOR TWO OR MORE YEARS, TO PROVIDE EFFECT OF DISSOLUTION, TO PROVIDE FOR KNOWN CLAIMS AGAINST THE DISSOLVED DISTRICT, TO PROVIDE FOR UNKNOWN CLAIMS AGAINST THE DISSOLVED DISTRICT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 404, **H 405**, **H 406**, and **H 407** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 3, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 404** and **H 405**.

FIELD(18), Chairman

H 405 was referred to the Revenue and Taxation Committee.

H 404 was filed for second reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Friday, April 4, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:36 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk